

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL NO. 2:06CR22

UNITED STATES OF AMERICA)
VS.)
JAMES MARCUS GEORGE, JR.)

)

THIS MATTER is before the Court on the Defendant's motion for the disbursement of funds. No objection or response has been filed by the Government.

In ruling on the Defendant's request for court- appointed counsel, the Magistrate Judge granted his request and found that although the Defendant had a significant balance in a savings account, it was not enough to procure the services of retained counsel. **Order for Distribution of Available Private Funds, filed August 23, 2006, at 2.** As a result, the Magistrate Judge ordered Mountain Federal Credit Union to disburse the entire balance of Defendant's savings account to the Clerk of

this Court “to pay for the costs and expenses of court appointed counsel.”

Id.

The Judgment of Conviction filed May 9, 2007, does not contain another provision for the reimbursement of court appointed counsel. The Court finds this is the result of clerical error arising from the existence of the previous Order. **Fed. R. Crim. P. 36.** As a result, the Court gives notice of this error and requests the Federal Defender to submit a voucher for the services accorded the Defendant. **18 U.S.C. § 3006A(f)**
(“Whenever the United States magistrate judge or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the . . . community defender organization which provided the appointed attorney . . . or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section.”).

IT IS, THEREFORE, ORDERED that the Defendant’s motion for disbursement of funds is **DENIED**. The Clerk of Court is directed to retain the amount of \$10,682.06, representing the monies received from the

Defendant's savings account at Mountain Federal Credit Union, pending further Court order.

IT IS FURTHER ORDERED that on or before 30 days from entry of this Order, the Federal Defender shall submit a voucher to the undersigned. Thereafter, the Court will enter an order concerning the disbursement of the funds.

Signed: June 20, 2007



Lacy H. Thornburg
United States District Judge